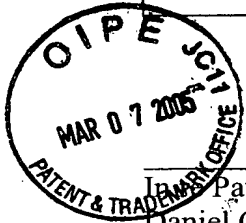


03-08-05

JAW AF  
2178

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

Docket No.: 10001114-1  
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Patent Application of:  
Daniel Garfinkel et al.

Application No.: 09/687,774

Confirmation No.: 1066

Filed: October 13, 2000

Art Unit: 2178

For: METHOD AND SYSTEM FOR CAPTURING,  
STORING, SHARING AND MANAGING  
NOTES TAKEN DURING A COMPUTER  
BASED MEETING

Examiner: M. J. Ludwig

**APPEAL BRIEF**

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

As required under § 41.37(a), this brief is filed within two months of the Notice of Appeal filed in this case on January 7, 2005, and is in furtherance of said Notice of Appeal.

The fees required under § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

- |      |   |
|------|---|
| I.   | Real Party In Interest                        |
| II   | Related Appeals and Interferences             |
| III. | Status of Claims                              |
| IV.  | Status of Amendments                          |
| V.   | Summary of Claimed Subject Matter             |
| VI.  | Grounds of Rejection to be Reviewed on Appeal |

03/09/2005 HALI11 00000043 082025 09687774

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VII.	Argument
VIII.	Claims Appendix
IX.	Evidence Appendix
X.	Related Proceedings Appendix

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Hewlett-Packard Company

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in the Application

There are 20 claims pending in the application.

B. Current Status of Claims

1. Claims canceled: None
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1 - 20
4. Claims allowed: None
5. Claims rejected: 1 - 20

C. Claims On Appeal

The claims on appeal are claims 1 - 20

#### IV. STATUS OF AMENDMENTS

An Amendment After Final Rejection was filed on August 23, 2004. The Examiner responded to the Amendment After Final Rejection in an Advisory Action mailed January 6, 2005. In the Advisory Action, the Examiner indicated that the proposed amendments to the claims presented in the Amendment After Final Rejection would not be entered.

Accordingly, the claims on appeal (as reflected in the "CLAIMS APPENDIX") are the claims presented in the Amendment, dated April 13, 2004.

#### V. SUMMARY OF CLAIMED SUBJECT MATTER

In one embodiment, a notes service for a computer aided design (CAD) application, comprises a note creation module which captures an electronic note associated with a change in a three-dimensional model of the CAD application (see element 22 in FIG. 4 and page 6, lines 11-16 of the specification); a note storage module (see element 23 in FIG. 4 and page 6, lines 18-22) which stores the captured note and an associated data file for later retrieval; and a note retrieval module (see element 26 in FIG. 4 and page 6, lines 23-25) for retrieving and displaying the captured note with a display screen of the three-dimensional model, that existed when the note was generated, using the associated data file. *See also*, page 2, lines 9-13, page 6 line 11-12, page 8, lines 11-14, and page 11, lines 1-4.

In another embodiment, a method for capturing and managing electronic notes in a computer aided design (CAD) based application comprises capturing a note in a note object (see element 20 in FIG. 2 and page 4, lines 13-24); and associating a data file with the captured note, wherein the data file is used to generate a display of a three-dimensional model of the CAD application that existed when the note was captured. *See also*, page 2, lines 9-13, page 6 line 11-12, page 8, lines 11-14, and page 11, lines 1-4.

#### VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,342,906 to Kumar et al. (hereinafter referred to as "Kumar"). The rejection of claims 1-20 under 35 U.S.C. § 103(a) is submitted for review in this appeal.

## VII. ARGUMENT

Rejection under 35 U.S.C. § 103(a)

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumar.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *In re Royka*, 180 USPQ 580 (CCPA 1974). Appellant asserts that the rejection does not satisfy these criteria.

Claim 1

Claim 1 recites, in part:

- a note creation module which captures an electronic note associated with a change in a three-dimensional model of said CAD application;
- a note storage module which stores said captured note and an associated data file for later retrieval; and
- a note retrieval module for retrieving and displaying said captured note with a display screen of said three-dimensional model, that existed when said note was generated, using said associated data file.

As recited in the claim, the captured note is separate and distinct from the three-dimensional model of the CAD application. A functional relationship between the note and the CAD application is recited in the note storage module and the note retrieval module. Specifically, the note storage module (in addition to storing the note) stores a data file that is subsequently used by the note retrieval module to display a display screen of the CAD model that existed when the note was generated.

Kumar is merely directed to a system that facilitates collaboration across remote sites according to two different modes of operation. *See* Abstract. In one mode of operation (the “edit mode”), users are allowed to edit data associated with an ordinary application (e.g., a spreadsheet application). *See* col. 4, lines 24-32. In the other mode of operation (the “annotation mode”), users are allowed to make annotations that are displayed over the top of the underlying application. For example, a user may “circle” an entry in a spreadsheet to

enable discussion of that entry during the collaboration session. The annotations occur in a manner that is transparent to the underlying application, e.g., “circling” a spreadsheet entry in the annotation mode has no effect on the spreadsheet file. *See* col. 4, lines 11-23 and FIGURE 2.

First, Appellant respectfully submits that there are no note storage modules or note retrieval modules in Kumar. The functionality supporting the annotation screen in Kumar cannot satisfy these limitations, because the annotation screen is only maintained during a collaboration session. There is no teaching or suggestion that an annotation screen can be retrieved at a later time. In regard to the application file that is editable by the Kumar system, Kumar merely discloses that the application file can be “a three-dimensional view” or any other custom data. *See* col. 3, lines 46-49. However, there is no teaching or suggestion associated with the application files of Kumar of a note creation module which captures an electronic note associated with a change in a three-dimensional model of a CAD application. Likewise, there is no teaching or suggestion associated with the application files of Kumar of a note storage module or a note retrieval module.

Moreover, there is no functional relationship taught or suggested by Kumar between storing and retrieving notes and associated data files. The only relevant data structures discussed in Kumar are the file associated with the underlying application and the data structure maintaining the graphical annotation data. However, the underlying application data file of Kumar cannot address the claimed subject matter, because the application data file will not enable the user to view a display of “a three-dimensional model that existed when said note was generated using said associated data file.” Specifically, once a user makes a change to the underlying application file using the edit mode of Kumar, the prior version of the application file is no longer available. The annotation data of Kumar merely stores the user annotations and similarly does not enable the user to view a display of “a three-dimensional model that existed when said note was generated using said associated data file.”

Accordingly, a *prima facie* case of obviousness has not been established for claim 1. Claims 2-4 depend from claim 1 and, hence, inherit all limitations of claim 1. A *prima facie* case of obviousness has not been established for claims 2-4.

Claim 2

Claim 2 recites “wherein said note retrieval module receives a query condition and retrieves said captured note and associated data file if said note meets said query condition.”

The Examiner asserts that Kumar suggests the limitation of claim 2, because a user of the Kumar system can choose to work on either the annotation layer or the application workspace. *See* Office Action, dated July 8, 2004, page 3. A “query” is a known database term that defines information to be retrieved. *See* application, page 2, lines 14-17. The disclosure of Kumar relied upon by the Examiner is clearly insufficient to satisfy the limitation related to the query condition of claim 2.

Accordingly, a prima facie case of obviousness has not been established for claim 2.

Claims 5 and 13

Claim 5 recites, in part,

capturing a note in a note object; and  
associating a data file with said captured note, wherein said data file is used to generate a display of a three-dimensional model of said CAD application that existed when said note was captured.

Claim 13 recites, in part,

capturing a note in a note object; and  
associating a data file with said captured note, wherein said data file is used to generate a display of a three-dimensional model of said CAD application that existed when said note was captured.

As recited in claims 5 and 13, the captured note is separate and distinct from the three-dimensional model of the CAD application. A functional relationship between the note and the CAD application is recited. Specifically, the functional relationship between the note capturing and the CAD application is defined by associating a data file with the captured note whereby the data file is used to generate a display of the three-dimensional model of the CAD application that existed when the note was captured.

Kumar is merely directed to a system that facilitates collaboration across remote sites according to two different modes of operation. *See* Abstract. In one mode of operation (the

“edit mode”), users are allowed to edit data associated with an ordinary application (e.g., a spreadsheet application). *See* col. 4, lines 24-32. In the other mode of operation (the “annotation mode”), users are allowed to make annotations that are displayed over the top of the underlying application. For example, a user may “circle” an entry in a spreadsheet to enable discussion of that entry during the collaboration session. The annotations occur in a manner that is transparent to the underlying application, e.g., “circling” a spreadsheet entry in the annotation mode has no effect on the spreadsheet file. *See* col. 4, lines 11-23 and FIGURE 2.

There is no functional relationship taught or suggested by Kumar between storing and retrieving notes and associated data files. The only relevant data structures discussed in Kumar are the file associated with the underlying application and the data structure maintaining the graphical annotation data. However, the underlying application data file in Kumar cannot address the claimed subject matter, because the application data file will not enable the user to view a display of “a three-dimensional model of said CAD application that existed when said note was captured.” Specifically, once a user makes a change to the underlying application file using the edit mode of Kumar, the prior version of the application file is no longer available. The annotation data in Kumar merely stores the user annotations and similarly does not enable the user to view a display of “a three-dimensional model of said CAD application that existed when said note was captured.”

Accordingly, a *prima facie* case of obviousness has not been established for claims 5 and 13. Claims 6-12 and 14-20 respectively depend from base claims 5 and 13 and, hence, inherit all limitations of their base claim. A *prima facie* case of obviousness has not been established for claims 6-12 and 14-20.

#### Claims 7 and 15

Claim 7 recites, in part, “receiving a query condition; and retrieving said note object and said associated data file if attributes of said note object meet said query condition.”

Claim 15 recites, in part, “receiving a query condition; and retrieving said note object and said associated data file if attributes of said note object meet said query condition.”

The Examiner asserts that Kumar suggests the limitation of claims 7 and 15, because a user of the Kumar system can choose to work on either the annotation layer or the application workspace. *See* Office Action, dated July 8, 2004, pages 5 and 7. A “query” is a known database term that defines information to be retrieved. *See* application, page 2, lines 14-17. The disclosure of Kumar relied upon by the Examiner is clearly insufficient to satisfy the limitation related to the query condition of claim 2.

Accordingly, a prima facie case of obviousness has not been established for claims 7 and 15.

#### Claims 9 and 17

Claim 8 recites, in part, “displaying said note captured in said note object.” Claim 9 depends from claim 8 and further recites “presenting said display of said three-dimensional model using said data file.”

Claim 16 recites, in part, “displaying said note captured in said note object.” Claim 17 depends from claim 16 and further recites “presenting said display of said three-dimensional model using said data file.”

The system in Kumar enables an annotation layer to be displayed over the top of an application screen during a collaboration session. However, there is no teaching or suggestion in Kumar to display a previously captured note. Specifically, after the collaboration session is finished, the annotation layer is no longer available and the user of the Kumar system can merely open the application file. Also, in Kumar, there is no displaying the three-dimensional model that existed at the time the note was captured using the associated data file in conjunction with displaying the captured note.

Accordingly, a prima facie case of obviousness has not been established for claims 9 and 17.

Conclusion

For the reasons presented herein, Appellant respectfully requests the Board to rule that the pending claims are allowable over the cited reference.

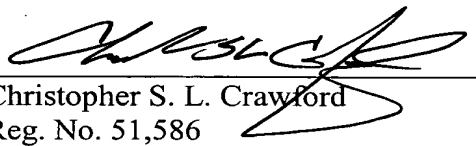
I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 482743927US in an envelope addressed to: M/S Appeal Brief Patent, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: March 7, 2005

Typed Name: June Nguyen

Signature: 

Respectfully submitted,

By:   
Christopher S. L. Crawford  
Reg. No. 51,586  
Date: March 7, 2005  
Telephone No. (214) 855-8378

## VIII. CLAIMS APPENDIX

1. A notes service for a computer aided design (CAD) application, comprising:
  - a note creation module which captures an electronic note associated with a change in a three-dimensional model of said CAD application;
  - a note storage module which stores said captured note and an associated data file for later retrieval; and
  - a note retrieval module for retrieving and displaying said captured note with a display screen of said three-dimensional model, that existed when said note was generated, using said associated data file.
2. The notes service of claim 1, wherein said note retrieval module receives a query condition and retrieves said captured note and associated data file if said note meets said query condition.
3. The notes service of claim 1, comprising:
  - a note management module which enables a user to modify a captured note.
4. The notes service of claim 1, comprising:
  - a collaboration function which allows a plurality of collaboration session members to synchronously view a graphical user interface of said notes service.
5. A method for capturing and managing electronic notes in a computer aided design (CAD) based application, comprising:
  - capturing a note in a note object; and
  - associating a data file with said captured note, wherein said data file is used to generate a display of a three-dimensional model of said CAD application that existed when said note was captured.
6. The method of claim 5, comprising:
  - storing said note object and said associated data file in persistent storage for later retrieval.

7. The method of claim 6, comprising:  
receiving a query condition; and  
retrieving said note object and said associated data file if attributes of said note object meet said query condition.

8. The method of claim 5, comprising:  
displaying said note captured in said note object.

9. The method of claim 8, comprising:  
presenting said display of said three-dimensional model using said data file.

10. The method of claim 5, comprising:  
capturing a second note and linking said second captured note to said captured note in an hierarchical relationship.

11. The method of claim 5, comprising:  
connecting to a collaboration session; and  
synchronously displaying a notes service graphical user interface to all members connected to said collaboration session.

12. The method of claim 11, comprising:  
locking said note to prevent other members of said collaboration session from changing said note.

13. A computer readable storage medium tangibly embodying program instructions implementing a method for capturing and managing electronic notes in a computer based application, the method comprising the steps of:  
capturing a note in a note object; and  
associating a data file with said captured note, wherein said data file is used to generate a display of a three-dimensional model of said CAD application that existed at the time the note was captured.

14. The computer readable storage medium of claim 13, the method comprising:  
storing said note object and said associated data file in persistent storage for later retrieval.

15. The computer readable storage medium of claim 13, the method comprising:  
receiving a query condition; and  
retrieving said note object and said associated data file if attributes of said note object meet said query condition.

16. The computer readable storage medium of claim 13, the method comprising:  
displaying said note captured in said note object.

17. The computer readable storage medium of claim 15, the method comprising:  
presenting said display of said three-dimensional model using said data file.

18. The computer readable storage medium of claim 13, the method comprising:  
capturing a second note and linking said second captured note to said captured note in an hierarchical relationship.

19. The computer readable storage medium of claim 13, the method comprising:  
connecting to a collaboration session; and  
synchronously displaying a notes service graphical user interface to all members connected to said collaboration session.

20. The computer readable storage medium of claim 19, the method comprising:  
locking said note to prevent other members of said collaboration session from changing said note.

IX. EVIDENCE APPENDIX

Not applicable.

X. RELATED PROCEEDINGS APPENDIX

Not applicable.



IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Daniel Garfinkel et al.

Confirmation No.: 1066

Application No.: 09/687,774

Examiner: M. L. Ludwig

Filing Date: 10/13/2000

Group Art Unit: 2178

Title: METHOD AND SYSTEM FOR CAPTURING, STORING, SHARING AND MANAGING  
NOTES TAKEN DURING A COMPUTER BASED MEETING

Mail Stop Appeal Brief-Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on Jan. 7, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

( ) one month	\$120.00
( ) two months	\$450.00
( ) three months	\$1020.00
( ) four months	\$1590.00

( ) The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 482743927US addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 Date of Deposit: March 7, 2005

OR

( ) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number \_\_\_\_\_ on \_\_\_\_\_

Number of pages:

Typed Name: June Nguyen

Signature: June Nguyen

Respectfully submitted,

Daniel Garfinkel et al.

By Christopher S. L. Crawford

Christopher S. L. Crawford

Attorney/Agent for Applicant(s)

Reg. No. **51,586**

Date: **March 7, 2005**

Telephone No.: **(214) 855-8378**